

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 16, 2005

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Brizzi and Commissioner Sturtz. Also in attendance were Industry Liaison Okey, Captain Poindexter and Executive Secretary Choe.

Lisa Goldner of Bose McKinney and Evans, Jeff McKean, and Grant Monahan of IRC were present as observers.

DISPOSITION OF MINUTES

Vice Chairperson Brizzi moved to approve the minutes submitted for the August 2, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Vice Chairperson Brizzi moved to approve the PAD forms submitted for the August 16, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Three hundred ninety-eight (398) renewals approved, sixty-one (61) new and/or transfer permits approved, four (4) permits approved for catering, thirteen (13) permits approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow and three (3) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairperson Brizzi moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL19-21300 WAL-MART STORES EAST LP –

Heath –DL19-21300, Dubois, Wal-Mart Stores East LP, new type 208 application with the local board voting three (3) to zero (1) to disapprove.

Sturtz – Mr. Chairman, if I could discuss that a moment.

Heath – If you'll speak up.

Sturtz – I will try to speak loud. I have read with great interest the report pertaining to this and it's almost a foot thick. I actually read War and Peace in a quicker time. I have to say the remonstrance on this issue were very thorough. I've never saw more information on one file. They went to great lengths to get us the information. What I'm finding in the facts and going through and I really did, I read the whole thing. I could find nothing in there that legally says why they shouldn't be entitled to a permit. Some of the things pertain...in fact, they even had a list of every other permit in Dubois County. Included in that was one for the Kroger store and I don't see a great deal of difference between a Kroger store and a Wal-Mart, as far as you can buy groceries. You can pick up a six-pack of beer. So, the letters in this file talked about that and said you shouldn't mix whiskey and Cheerios. I don't feel that that's our job here. I think that that's somebody else's job. There's a lot of...I think somebody went to a great deal of trouble to track down every issue that anybody ever had with Wal-Mart in the whole country, including unfair labor practices where they were sued or they didn't treat their women employees as good as the men. I mean there's just article after article. And, these things were done somewhere, all over the country in a court of law. I still would...the bottom line is I don't see what that had to do with issuing them a permit in the State of Indiana. That's my opinion. If you would entertain a motion, I would make a motion that we should overrule the local board in this instance. As you well know, we have

eight under appeal right now – Wal-Mart. This thing needs to be settled once and for all, but for today, I would make a motion that we overrule the local board and grant the permit to Wal-Mart.

Brizzi – I second that motion.

Heath – Motion carries.

RR71-01498 RAMONA’S CAR WASH, INC. D/B/A GLO WORM LOUNGE –

Heath - RR71-01498 Ramona’s Car Wash, doing business as the Glo Worm Lounge. Type 210 renewal application with the local board voting two (2) to one (1) to approve. I have looked over this. I received letters from both sides on this and I know however the vote is there will be some kind of appeal, so my motion...I will make a motion that we overrule the local board and disapprove the permit for Ramona’s Car Wash.

Sturtz – I’ll second that.

Heath – I have a motion and a second. All in favor.

Group – Aye.

Heath – Motion carries.

RC02-00054 AMERICAN LEGION POST 82 – Chairman Heath noted this is a type 211-4 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Brizzi moved to uphold the local board’s recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR02-21884 RUTH DOAN, D/B/A LA VAJADITA BAR & GRILL – Chairman Heath noted this is a new type 112 application with the local board voting two (2) to two (2).

Vice Chairperson Brizzi moved to disapprove this new permit application. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-21842 CRUSH WINES, LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Brizzi moved to uphold the local board’s recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-05090 E & C OF EAST CHICAGO, INC., D/B/A LA BAMBA RESTAURANT – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR20-21868 REDHEAD, INC., D/B/A FLYTRAP'S – Chairman Heath noted this is a new type 221-3 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR20-21862 GIBSON'S, INC., D/B/A THE BIG EASY – Chairman Heath noted this is a new type 112 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-21795 FELICIA FARMER, D/B/A FELICIA'S LOUNGE – Chairman Heath noted this is a new type 210 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL83-21836 BABA SAI, INC., D/B/A CLINTON CITGO – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR37-21878 MARCELLA'S, INC. – Chairman Heath noted this is a new type 209 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Chairman Heath stated there are fifteen (15) permits to be made inactive. Ten (10) permits are not subject to auction and five (5) permits are subject to auction.

Vice Chairperson Brizzi moved to make these permits inactive. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR20-21826 CELIA CONZALEZ, RR20-04526 MTR, ENTERPRISES, INC., AND
RR20-00855 ROXANNE, INC. - Chairman Heath noted appeals were filed.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Adviseement

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairperson Brizzi and it was unanimously approved.

Approved this _____ day of _____, 2005.

DAVE HEATH, CHAIRMAN

MELANIE BRIZZI, VICE CHAIRPERSON

DALE STURTZ, COMMISSIONER